

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:23-CV-256-FL

Defendants.

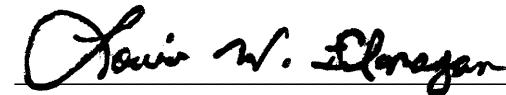
This matter is before the court for review of plaintiff's pro se complaint (DE 1) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert B. Jones, Jr., entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's complaint be dismissed. (DE 6). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge’s findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends dismissal of plaintiff's claims for failure to state a claim upon which relief may be granted, which the court may do under 28 U.S.C. § 1915(e)(2). Plaintiff asserts in his complaint that he was discriminated against and bullied in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 1981, and the Equal Protection Clause of the Fourteenth Amendment. The M&R recommends dismissal of plaintiff's claims because plaintiff does not allege facts from which the court could reasonably infer that plaintiff was discriminated against because of his race. In addition, plaintiff does not allege that he exhausted his remedies with the Equal Employment and Opportunity Commission.

Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. Based on the foregoing, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and plaintiff's action is DISMISSED for failure to state a claim upon which relief may be granted. The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 21st day of August, 2023.



LOUISE W. FLANAGAN
United States District Judge